

County of Los Angeles
DEPARTMENT OF PUBLIC SOCIAL SERVICES

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PHILIP L. BROWNING
Director

SHERYL L. SPILLER
Chief Deputy



Board of Supervisors

GLORIA MOLINA
First District

MARK RIDLEY-THOMAS
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

March 5, 2009

TO: Each Supervisor

FROM: Philip L. Browning, Director

A handwritten signature in black ink, appearing to be 'P. Browning', written over the printed name of Philip L. Browning.

**SUBJECT: AMENDMENT NUMBER 14 TO THE PERSONAL ASSISTANCE
SERVICES COUNCIL AGREEMENT NUMBER 72426 -
ALLOCATION OF \$500,000 FOR FISCAL YEAR 2008-2009
FOR ADDITIONAL LEGAL FEES**

Attached is a copy of Amendment Number 14 to the Personal Assistance Services Council (PASC) Agreement Number 72426 that was executed on March 2, 2009, in accordance with section 3.3 of such agreement. Amendment Number 14 has been developed with the sole purpose of allocating \$500,000 for Fiscal Year 2008-2009 for additional legal fees. PASC will pay these legal fees in advance, and will provide documentation of the legal fees to DPSS for reimbursement.

The Chief Executive Office and County Counsel have reviewed and approved Amendment Number 14.

PLB: nth

Attachment

c: Chief Executive Officer
County Counsel
Deputy Chief Executive Officer
Executive Officer, Board of Supervisors
PASC Executive Director



AMENDMENT NUMBER 14

TO

**AGREEMENT No. 72426 BETWEEN
COUNTY OF LOS ANGELES
AND
PERSONAL ASSISTANCE SERVICES COUNCIL (PASC)**

March 2009

**AMENDMENT NUMBER 14
TO
AGREEMENT NO. 72426 BETWEEN
COUNTY OF LOS ANGELES
AND
LOS ANGELES COUNTY PERSONAL ASSISTANCE SERVICES COUNCIL**

THIS AMENDMENT is made and entered into this _____ day of March 2009 by and between the County of Los Angeles, hereinafter referred to as COUNTY, and the Los Angeles County Personal Assistance Services Council ("PASC").

WHEREAS, reference is made to the document entitled "AGREEMENT BY AND BETWEEN COUNTY OF LOS ANGELES AND LOS ANGELES COUNTY PASC," dated September 14, 1999, and further identified as County Agreement No. 72426, Amendment Number 1, dated October 24, 2000, Amendment 2 dated, October 24, 2000, Amendment Number 3 dated November 20, 2002, Amendment Number 4, dated June 22, 2004, Amendment Number 5, dated October 28, 2004, Amendment 6, dated June 30, 2005, Amendment 7, dated July 28, 2005, Amendment 8, dated October 26, 2005, Amendment 9 dated June 29, 2006, Amendment 10 dated August 10, 2006, Amendment 11 dated March 30, 2007; Change Notice #1 dated October 16, 2007; Amendment 12 dated April 16, 2008; Amendment 13 dated June 25, 2008, hereinafter referred to as "Agreement."

WHEREAS, said Agreement provides that changes may be made in the form of a written amendment which is formally approved and executed by both parties; and

NOW THEREFORE, the parties hereby agree as follows:

This Amendment shall become effective upon execution by both parties.

II. Section IV, FISCAL PROVISIONS:

Sections 5.8, 5.8.1, 5.8.2, 5.8.2.1 and 5.8.3 are newly added as follows:

5.8 For Fiscal Year 2008-2009, \$500,000 shall be appropriated specifically and only for the PASC's legal fees as those fees relate to pursuit and legal resolution of the current and ongoing disputes with the Service Employees International Union, United Long Term Care Workers Union, and its Local(s) concerning union deductions from provider wages. The Board of Supervisors approved these funds on October 7, 2008, and the funds are approved on the condition that they are not to be used to sue the County, State or Federal Government.

5.8.1 PASC shall submit separate invoices for these legal fees, with separate backup documentation which justifies the reimbursement request, such as bills from its attorneys.

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5.8.2 The \$500,000 allocation for legal fees is a one-time funding for Fiscal Year 2008-2009. There will be no carry over of unspent funds into subsequent fiscal years. The final request for reimbursement must be submitted by July 31, 2009, and must include expenditures incurred on or prior to June 30, 2009. To the extent that funding is needed for legal fees in future fiscal years, the Board of Supervisors must appropriate additional funding.

5.8.2.1 Only those legal fees, incurred and billed by counsel in connection with this representation, which are reasonable and necessary will be reimbursed. Fees which can be billed include: copying charges, document retrieval costs, necessary travel, and service of process, court and deposition reporters' fees, and transcript costs.

5.8.3 This special supplemental appropriation is intended to supplement, and not supplant, PASC's existing legal services budget; accordingly, PASC shall set aside its existing FY 2008-09 legal services line item budget of \$99,000 and shall use such funds solely for routine legal services costs incurred through May 31, 2009. Effective that date, PASC shall transfer any unspent funds from that line item to the special supplemental appropriation account described in Section 5.8 above, to augment that account.

4.0 The following Paragraph shall be added to Section V, **FURTHER TERMS AND CONDITIONS:**

49.0 **WORK**

49.1 Pursuant to the provisions of this Contract, the PASC shall fully perform, complete and deliver on time all tasks, deliverables, services and other work as set forth in herein.

49.2 If the PASC provides any tasks, deliverables goods, services or other work, other than as specified in this Contract, the same shall be deemed to be a gratuitous effort on the part of the PASC, and the PASC shall have no claim whatsoever against the County.

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49.3 PASC shall establish and maintain sufficient accounting, internal control, financial reporting, and administrative capacity to effectively administer the services required by this CONTRACT. At a minimum, PASC shall adhere to the standards set forth in the AUDITOR-CONTROLLER CONTRACT ACCOUNTING AND ADMINISTRATION HANDBOOK (Attachment I), which is incorporated herein by reference and is available at www.ladpss.org/dpss/contracts.

50. UNIQUE TERMS AND CONDITIONS


Compliance with Auditor-Controller Contract Accounting and Administration Handbook.

The Los Angeles County Auditor-Controller Contract Accounting and Administration Handbook is incorporated herein by reference and available at www.ladpss.org/dpss/contracts. PASC shall comply at a minimum with the requirements set forth in the Contract Accounting and Administration Handbook.


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IN WITNESS WHEREOF, the Board of Supervisors of the County of Los Angeles has caused this Amendment to be signed by the Director of the Department of Public Social Services and the PASC has caused this Contract to be signed by its duly authorized officer(s), on the _____ day of March 2009.

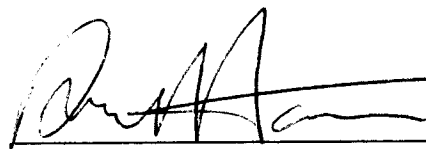
COUNTY OF LOS ANGELES

By 
Philip L. Browning, Director
Department of Public Social Services

PERSONAL ASSISTANCE SERVICES COUNCIL

By 
Chris Otero, Chair
PASC Governing Board

APPROVED AS TO FORM:
Raymond G. Fortner Jr., County Counsel

By 
Dawyn R. Harrison
Principal Deputy Counsel

ATTACHMENT I

**WORK – AUDITOR CONTROLLER CONTRACT ACCOUNTING AND
ADMINISTRATIVE HANDBOOK**